

Applicant: Bicek et al.
Application Serial No.: 09/974,653
Filing Date: October 10, 2001
Docket No.: 760-49 RCE
Page 2

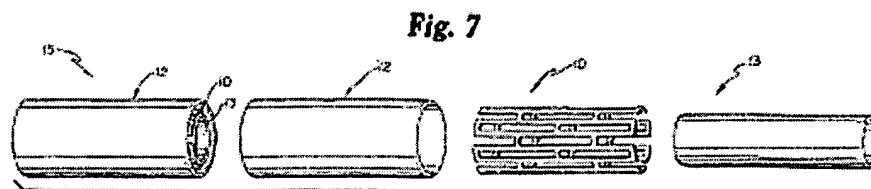
REMARKS

Claims 17-24 and 39 are in the application. Claims 1-16 and 25-28 have been withdrawn in view of a previous election.

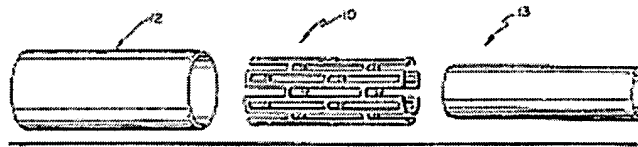
In the Office Action, the Examiner rejected claims 17-24 and 39 under 35 U.S.C. §102(b) as being allegedly anticipated by Buirge et al. (U.S. Patent No. 5,693,085). Specifically, the Examiner asserted,

Regarding claims 17-20 and 39, Buirge et al disclose in fig 7, a stent graft for insertion into target site within a vessel of a patient, including: a main stent (10) has a radially-expandable body, at least one support stent (15), and a sheath (12) between the body, and the support stent where no portions of the main stent are in contact with the support stent, and the sheath is not bonded to the support stent. Note that the support stent in fig. 7 can generate a force with the main stent to hold the sheath in place.

The Examiner's assertions are respectfully traversed. Based on the Examiner's statements in the Office Action, it appears that the Examiner is asserting that all of the elements shown in Figure 7 are somehow assembled to fit one inside of the other. It is respectfully submitted that this is not correct. Figure 7 of Buirge et al. is as follows:



With reference to column 7, lines 30-39, Figure 7 includes only three elements: a tubular stent 10; an outer sleeve 12; and, an inner sleeve 13. These three elements are shown side-by-side on the right side of Figure 7:

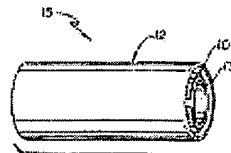


In addition, these three elements together form a stent/sleeve designated with the reference numeral 15. With reference to column 7, it is explained that these three elements together form a single stent/sleeve 15:

An example of one such embodiment is shown in FIG. 7 which comprises a tubular stent generally indicated at 10 combined with an inner sleeve 13 of collagen material and an outer sleeve 12 of collagen material **which provide in combination a stent/sleeve generally indicated at 15....**

(Emphasis applied).

The assembled stent/sleeve 15 is shown on the left-hand side of Figure 7:



The assembled stent/sleeve 15 is clearly marked to include the three elements with the inner sleeve 13 being located on the inside of the stent 10 and the outer sleeve 12 being located on the

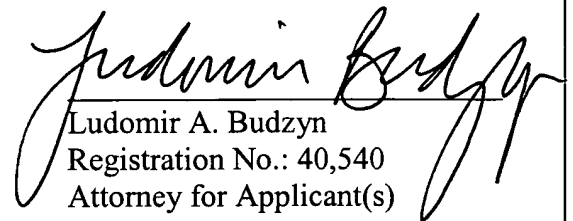
Applicant: Bicek et al.
Application Serial No.: 09/974,653
Filing Date: October 10, 2001
Docket No.: 760-49 RCE
Page 4

outside of the stent 10. There is absolutely no disclosure in Buirge et al. to have any of the stent 10, the outer sleeve 12, or the inner sleeve 13 be located inside of the assembled stent/sleeve 15.

Claim 17, the only pending independent claim, requires at least one support stent and a main stent. Figure 7 of Buirge et al. only shows the use of one stent (stent 10), contrary to the Examiner's assertions. It is respectfully submitted that claim 17, along with dependent claims 18-24 and 39, are patentable over Buirge et al.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact applicants' attorney at the number listed below.

Respectfully submitted,


Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700